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Attorney's Docket No. 35788/237005 (5718-118)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Abad *et al.*
Appl No.: 10/032,717
Filed: October 23, 2001
For: GENES ENCODING NOVEL PROTEINS WITH PESTICIDAL ACTIVITY
AGAINST COLEOPTERANS

Confirmation No.: 5409

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

**RESPONSE TO NOTICE TO
FILE MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice to File Missing Parts of Application dated February 6, 2002, enclosed are the following:

- ☒ Part 2 of Formalities Letter or Form PTO-1533
(Notice to File Missing Parts of Application)
- ☒ Declaration and Power of Attorney for the above-identified application that has been executed by the named inventor(s)
- ☐ Applicant claims small entity status
- ☒ Check in the amount of 1998.00 to cover the filing fee of 740.00, \$288.00 for 16 total claims over 20, \$840.00 for 10 independent claims over 3, and the \$130.00 surcharge under 37 C.F.R. § 1.16(e)
- ☐ English Translation and \$130.00 (37 CFR 1.17(k)) fee for filing late.
- ☐ Other:

Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

Leigh W. Thorne
Registration No. 47,992

<p>Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: BOX MISSING PARTS, Washington, DC 20231, on April 8, 2002.</p> <p> Lynda Jo Pixley</p>
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Alston & Bird

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/032,717	10/23/2001	Andre R. Abad	35718/237005 (5718-118)

29122
ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TYRON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 5409

FORMALITIES LETTER



OC000000007427065

Date Mailed: 02/06/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1128.
 - \$288 for 16 total claims over 20.
 - \$840 for 10 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1998.

04/17/2002 AOSMAN1 00000023 10032717

01 FC:101	740.00 OP
02 FC:102	840.00 OP
03 FC:103	288.00 OP
04 FC:105	130.00 OP

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

ALSTON & BIRD
RTARECEIVED
2/12/02 ww